## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION 2:05cv1

ANITA DUNCAN, NAOMI DUNCAN, and MARY McCOMBS, on behalf of themselves and similarly situated employees,	)
Plaintiffs,	)
Vs.	) ORDER
PHOENIX SUPPORTED LIVING, INC.; and TONY SCHMIDT,	)
Defendants.	)

THIS MATTER is before the court on the joint Motion to Withdraw Second Motion to Compel Discovery and for Sanctions and to Cancel Hearing (#70), plaintiffs' Second Motion to Compel Discovery of Defendants and For Sanctions (#53), and defendants' Motion for Extension of Time to Respond (#56). It appearing that the parties have taken steps to resolve discovery issues without court intervention, the court will grant the motion and cancel the hearing. As a matter of housekeeping, the underlying motions will be denied, all without prejudice.

## **ORDER**

IT IS, THEREFORE, ORDERED that the joint Motion to Withdraw Second Motion to Compel Discovery and for Sanctions and to Cancel Hearing (#70) is **ALLOWED**, and the November 17, 2006, hearing is **CANCELED**, plaintiffs' Second Motion to Compel Discovery of Defendants and For Sanctions (#53) is

**DENIED** as moot, and defendants' Motion for Extension of Time to Respond (#56) is **DENIED** as moot, all without prejudice.

Signed: November 16, 2006

Dennis L. Howell

United States Magistrate Judge